

Green Facts

Understanding Section 53 of the *Ontario Water Resources Act* when applying for a Certificate of Approval for sewage disposal

The *Ontario Water Resources Act* (OWRA) requires that all sewage discharges must be approved by a Certificate of Approval (C of A) issued by the Ministry of the Environment (MOE), unless the discharge has been exempted by the OWRA or an exempting regulation. Section 53 of the OWRA provides the details surrounding approvals for sewage disposal systems. The Act states that “No person shall establish, alter extend or replace new or existing sewage works except under and in accordance with an approval granted by a Director.” This section also spells out the situations in which exemptions from an approval apply.

The Environmental Assessment and Approvals Branch (EAAB) of the MOE issues Cs of A under the OWRA for the treatment and disposal of sewage by a variety of sewage disposal systems, including those that discharge to groundwater receivers at designed capacities of more than 10,000 L/day. A system (or collection of systems) that has a designed capacity of 10,000 L/day or less (sometimes called a small system) and discharge to groundwater receivers are approved under the *Building Code* by municipalities. Note that all discharges of sewage to surface water receivers require approval from the MOE.

In unorganized parts of the Province (i.e., parts without municipal structure), small systems that discharge to groundwater are approved by local authorities delegated with this responsibility. Such authorities include Townships, local Health Units, or properly licensed and delegated contractors. For additional information and guidance on small systems, refer to MOE’s Green Facts “Small Private

Subsurface Sewage Disposal Systems Approvals Requirements” (PIBS 5272e).

This Fact Sheet provides information for prospective operators and owners of sewage disposal systems that require Ministry approval, and explains what those systems are. The approval requirements apply throughout the province.

What Requires Approval?

Everything that discharges sewage requires approval unless specifically exempted. Section 53(6) provides that an approval under s. 53 is not required for a works or facility that *is not to* (i.e., does not) drain or discharge directly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse. In short, this means that any system that discharges into something other than a surface water or groundwater receiver does not require an approval. However, the receiver of such a discharge, for example, a holding tank or a haulage system, does require an approval.

Section 53 is written as exempting works or facilities from needing an approval in terms of the receivers of their discharges. Therefore, any works or facility that *is to* (i.e., does) discharge sewage to a receiving surface water or groundwater body requires a C of A under s. 53. So, anything that discharges directly into the water features noted above must have s. 53 approval. Clauses (6)(b) through (6)(f) provide specific situations in which s. 53 approval is not required. Subsection (6) concludes by noting that s. 53 approval is required for a sewage works for

distribution of sewage on a ground surface (e.g., spray irrigation).

Section 53 continues on to note at subsection (6.1) that s. 53 does apply to sewage works noted in clause (6)(a) if they have a design capacity in excess of 10,000 L/day. These works or facilities are those from which the sewage discharge is to a surface water or groundwater receiver. It should be kept in mind that design capacity discharges of 10,000 L/day or less to a groundwater receiver are covered under the *Building Code*. All discharges of sewage to any surface water receiver, regardless of the design capacity of the system, require approval under s. 53.

What should I do before I apply for an Approval?

Start planning your project early. Ensure that you know what kind of sewage disposal system you need and whether it requires approval under s. 53 of the OWRA. Depending on circumstances, it may take several months to obtain an approval. Pre-application consultation should be undertaken with staff at the local MOE office and any other government offices or agencies that may have an interest or responsibility associated with the facility for which you are seeking MOE approval.

At the time of filing your application, the MOE should be able to advise on approximately how long it will take to process your application

The information contained in this document is of a general nature only and is not intended to constitute advice for any specific situation. Please note that the texts of many Ontario statutes and regulations are available on the Internet at www.e-laws.gov.on.ca.

For information about Approvals for small septic systems, please contact the municipality, Local Health Unit, Township Office, or body delegated their authority.

Ministry of the Environment
Environmental Assessment and Approvals Branch
2 St. Clair Ave W, Floor 12A
Toronto, ON M4V 1L5

Toll Free: 1-800-461-6290
Phone: 416-314-8001 Fax: 416-314-8452
Email: EAABGen@ene.gov.on.ca
Website: www.ene.gov.on.ca